

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

C. HOPE BARRINGER-BROWN, PH.D.,

Plaintiff,

v.

Case No. 3:24-cv-465

VIRGINIA COMMUNITY COLLEGE
SYSTEM and SOUTHSIDE VIRGINIA
COMMUNITY COLLEGE,

Defendants.

MOTION TO DISMISS AMENDED COMPLAINT

NOW COMES Defendant the Virginia Community College System, on its own behalf and on behalf of Southside Virginia Community College (collectively, "Defendants"), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and moves this Court to dismiss, with prejudice, the Amended Complaint, as it fails to state a claim upon which relief can be granted. Defendants rely upon and incorporate their Brief in Support of this Motion to Dismiss as if fully set forth herein.

WHEREFORE, the Virginia Community College System, on its own behalf and on behalf of Southside Virginia Community College, respectfully requests that this Court enter an Order granting this Motion to Dismiss and dismissing the Amended Complaint with prejudice.

"ROSEBORO NOTICE" --- THIS CASE COULD BE DISMISSED

Pursuant to Local Civil Rule 7(K) and *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), undersigned counsel for Defendants advises the *pro se* Plaintiff of the following:

1. The *pro se* Plaintiff is entitled to file a response opposing Defendants' Motion to Dismiss filed on September 3, 2024. Any such response must be filed with the United States

District Court for the Eastern District of Virginia, Richmond Division, within twenty-one (21) days of the date on which Defendants' Motion to Dismiss was filed pursuant to U.S. District Court Rules (E.D. Va.) Rule 7(K).

2. The Court could dismiss this action on the basis of Defendants' Motion to Dismiss and Brief in Support if the *pro se* Plaintiff does not file a response.

3. The *pro se* Plaintiff must identify all facts stated by Defendants with which the *pro se* Plaintiff disagrees and must set forth the *pro se* Plaintiff's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury).

4. The *pro se* Plaintiff is also entitled to file a legal brief in opposition to the brief filed by Defendants.

**VIRGINIA COMMUNITY COLLEGE
SYSTEM AND SOUTHSIDE
VIRGINIA COMMUNITY COLLEGE**

By Counsel

/s/
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C E R T I F I C A T E

I hereby certify that on the 3rd day of September, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed by United States Postal Service the document to the following:

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/s/

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